

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed November 20, 2006. In order to advance prosecution of this case, Applicants amend Claims 1, 4, 10-16. Applicants previously canceled Claims 2-3, 6-7, and 18-19 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1, 4, and 10-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,398,196 issued to Chambers ("*Chambers*"). Applicants respectfully traverse this rejection. Claim 1 recites:

A method of detecting viral code in subject files, comprising:
creating an artificial memory region spanning one or more components
of the operating system;
emulating execution of at least a portion of computer executable code
in a subject file;
detecting an attempt by the emulated computer executable code to
access the artificial memory region; and
determining based on the attempt to access the artificial memory
region that the emulated computer executable code is viral.

Chambers fails to recite, expressly or inherently, every element of amended Claim 1. For example, *Chambers* fails to recite "determining based on the attempt to access the artificial memory region that the emulated computer executable code is viral." For at least this reason, as described further below, *Chambers* fails to recite every element of amended Claim 1.

More specifically, *Chambers* discloses a monitor program capable of "virtualiz[ing]...memory areas, making them inaccessible to the target program, and thus protected." Col. 7, ll. 66-68. Thus, *Chambers* merely protects the relevant memory areas of the described system from access by making them inaccessible to a target program. *Chambers* does not disclose "determining based on the attempt to access the artificial memory region that the emulated computer executable code is viral" as required by Claim 1.

In a previous Final Office Action mailed May 20, 2005, the Examiner asserted that in the system of *Chambers* "[a]ttempts to access the artificial memory region are logged for later use in determining whether the subject file may be viral (Col 8, lines 28-30)." Final

Office Action of May 20, 2005, p. 7. Applicants respectfully dispute this assertion. The cited portion of *Chambers* states only that “[a]fter the remapping of block 630, at block 640 the attempted access to a controlled memory area is logged for later analysis and reporting to the user.” Col. 8, ll. 28-30.

Applicants respectfully note that for a rejection on anticipation grounds to be proper “[t]he identical invention must be shown in as complete detail as is contained in the ... claim,” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (emphasis added). *Chambers* merely indicates that the “attempted access...is logged for later analysis and reporting to the user.” *Chambers* does not disclose any manner of “determining based on the attempt...that the emulated computer executable code is viral.”

As a result, *Chambers* fails to recite, expressly or inherently, every element of amended Claim 1. Claim 1 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 1.

Additionally, Applicants respectfully note that Applicants amend Claim 1 to correct a typographical error that was accidentally introduced to that claim after the filing of the present Application. Specifically, Applicants amend Claim 1 to amend the term “operation” to read as “operating.” Applicants respectfully note that this amendment merely returns the wording of Claim 1 to its original form with respect to this limitation and does not change the scope of the claim independently of the other amendments to Claim 1.

Although of differing scope from Claim 1, Claims 10-12 and 14 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by *Chambers*. Claims 10-12 and 14 are thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claims 10-12 and 14, and their respective dependents.

Section 103 Rejections

The Examiner rejects Claims 8, 9, and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Chambers* in view of U.S. Patent No. 5,974,549 issued to Golan (“*Golan*”). Claims 8 and 9 depend from Claim 1, while Claim 20 depends from Claim 14. Claims 1 and

14 have been shown above to be allowable. Claims 8, 9, and 20 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 8, 9, and 20.

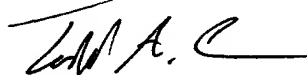
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge the \$790.00 RCE filing fee and any other required fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Todd A. Cason
Reg. No. 54,020

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6452

Date: 2/20/07

CORRESPONDENCE ADDRESS:

Customer Number:

05073